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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NEHEMIAH ROBINSON, Plaintiff, **v.** **T. CATLETT, et al.,** Defendants.	08-CV-00161-H (BLM) **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT** Hearing: July 29, 2008 Time: 9:00 a.m. Courtroom: Suite 5140 Judge: The Honorable Barbara L. Major

TO NEHEMIAH ROBINSON, PLAINTIFF IN PRO SE:

Defendants respectfully ask this court to take judicial notice of certain documents which are referenced in Plaintiff's Complaint.

"A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. F. Evid. 201(b). "A court shall take judicial notice if requested by a party and supplied with the necessary information." Fed. R. Evid. 201(d). A court may take judicial notice of facts within documents referenced in a complaint in ruling on a motion to dismiss. *Bell Atlantic Corp. v. Twombly*, ___U.S. ___, 127 S.Ct. 1955, 1973 n. 13 (2007); Fed. Rule Evid. 201.

Defendants ask this Court to take judicial notice of the contents of the following documents which are referenced in Plaintiff's Complaint.

1. Plaintiff's Inmate Appeal dated March 29, 2006, and attached documents including the Reasonable Accommodation Request, chronos, and First, Second and Director's Level Responses referenced by Plaintiff in his Complaint at page 9 ¶¶ 5-6, true and correct copies of which are attached as Exhibit 1 to the Declaration in support of the Request for Judicial Notice.

2. Plaintiff's Inmate Appeal dated June 18, 2007, and attached documents including the First, Second and Director's Level Responses referenced by Plaintiff in his Complaint at pages 21-22 ¶ 39, true and correct copies of which are attached as Exhibit 2 to the Declaration in support of the Request for Judicial Notice.

3. Plaintiff's Reasonable Modification or Accommodation Request dated September 11, 2007, and attached documents including medical documents chronos and Responses referenced by Plaintiff in his Complaint at page 18 ¶¶ 28-29, true and correct copies of which are attached as Exhibit 3 to the Declaration in support of the Request for Judicial Notice.

4. Plaintiff's Inmate Appeal dated September 12, 2007, and attached documents including chronos, crime incident report, rules violation report and First, Second and Director's Level Responses referenced by Plaintiff in his Complaint at pages 13-14 ¶¶ 16-18, true and correct

copies of which are attached as Exhibit 4 to the Declaration in support of the Request for Judicial Notice.

Dated: June 10, 2008

Respectfully submitted,

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